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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/826,298	04/04/2001	Larry Isaacson	4272/1	3679
, 29858 75	590 01/12/2005		EXAM	INER
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP 900 THIRD AVENUE			GEDRICH, SARAH R	
NEW YORK, 1			ART UNIT PAPER NUMBER	
,			3625	
			DATE MAILED: 01/12/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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/		Application No.	Applicant(s)			
1		09/826,298	ISAACSON ET AL.			
( )	Office Action Summary	Examiner	Art Unit			
$\bigcup_{i=1}^{n}$		Sarah R. Gedrich	3625			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address			
THE I - Exter after - If the - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION.  Isolar of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period we to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1)🖂	Responsive to communication(s) filed on <u>05 O</u>	<u>ctober 2001</u> .				
2a) <u></u> ☐	This action is <b>FINAL</b> . 2b)⊠ This	action is non-final.				
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.			
Dispositi	on of Claims					
4)🖾	Claim(s) 1-27 is/are pending in the application.					
	4a) Of the above claim(s) is/are withdraw	vn from consideration.				
· · · · · · · · · · · · · · · · · · ·	Claim(s) is/are allowed.					
	Claim(s) is/are rejected.					
-	Claim(s) is/are objected to.					
8) 🔀	Claim(s) <u>1-27</u> are subject to restriction and/or 6	election requirement.				
Applicati	on Papers					
	The specification is objected to by the Examine					
10)	The drawing(s) filed on is/are: a)☐ acce					
	Applicant may not request that any objection to the	• • • • • • • • • • • • • • • • • • • •	, ,			
441	Replacement drawing sheet(s) including the correct		•			
11)	The oath or declaration is objected to by the Ex	aminer. Note the attached Office	ACTION OF FORM PTO-152.			
Priority u	ınder 35 U.S.C. § 119					
	Acknowledgment is made of a claim for foreign  All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau	s have been received. s have been received in Applicati rity documents have been receive	on No			
* 5	See the attached detailed Office action for a list	of the certified copies not receive	ed.			
Attachmen	t(s)	_				
	e of References Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail D	(PTO-413)			
3) Inform	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date		Patent Application (PTO-152)			

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## **DETAILED ACTION**

## Election/Restrictions

- 1. A telephone call was made to Mr. Seth Ostrow on 27 December 2004 to request an oral election to the above restriction requirement. The telephone call was returned by Diane Torniali on 30 December 2004, but did not result in an election being made.
- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-10, 17-21, and 27, drawn to a method of ordering products from an electronic database; the electronic database containing lists of products commonly purchased by the user, classified in class 705, subclass 27.
  - II. Claims 11-16, drawn to a method of ordering products from an electronic database; the electronic database containing user-specific previous purchase orders from which users select specific orders to create new orders, classified in class 705, subclass 26.
  - III. Claims 22-26, drawn to a method of awarding credits for redeemable products, classified in class 705, subclass 14.
- 3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as storing, searching for, viewing and selecting previous purchase orders and including all or part of a previous order in a new purchase order and invention I does not require

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this. Invention I requires only a customized list of commonly purchased products for a specific user from which the user creates his orders.

- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 5. Because these inventions are distinct for the reasons given above and the search required for Group 1 is not required for Group 2, restriction for examination purposes as indicated is proper.
- 6. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as for awarding credits to be redeemed for products, which is not required for invention I. See MPEP § 806.05(d).
- 7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 8. Because these inventions are distinct for the reasons given above and the search required for Group 1 is not required for Group 3, restriction for examination purposes as indicated is proper.

9. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as for awarding credits to be redeemed for products, which is not required for invention II. See MPEP § 806.05(d).

- 10. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 11. Because these inventions are distinct for the reasons given above and the search required for Group 2 is not required for Group 3, restriction for examination purposes as indicated is proper.
- 12. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah R. Gedrich whose telephone number is (703) 306-5449. The examiner can normally be reached on M-F 7:30am - 5:00pm, alternating Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sarah Gedrich Examiner Art Unit 3625

SRG

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